IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1687 OF 2005

Mr.P. Balkrishnan S/o Periyaswamy and Ors. ...Petitioners

Versus

Shyam Yarm Agency Pvt. Ltd. & Anr ...Respondents

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Mr. Girish Kulkarni, Advocate for Petitioners

Mr. D.P.Adsule, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: JULY 7, 2005

P. C.:-

1. Heard the learned advocate for the petitioners, the learned A.P.P. for the State. Leave to amend. Amendment to be carried out orthwith.

2. The petitioners have prayed for quashing of process issued against her in Criminal Case No. 452/2005 which is pending in the Court of learned J.M.F.C. Ichalkaranji. In the said case, process

has been issued against the petitioners under Section 406 and 417 of I.P.C.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer revision before the concerned Sessions Court. In order to enable the petitioners to prefer necessary revision, the proceedings before the trial Court are stayed for a period of four weeks from today.

5. The learned advocate for the petitioners states that the Non Bailable Warrant has been issued against the petitioners by the trial Court and he prayed that the said Non Bailable Warrant be set aside. In my opinion, the proper course would be that the petitioners should approach the trial Court for

setting aside the Non Bailable Warrant issued against them. Liberty granted to the petitioners to prefer an application before the trial Court for setting aside the Non Bailable Warrants. To enable the petitioners to take necessary steps in respect of setting aside the Non Bailable Warrants, the said Non Bailable Warrants are stayed for a period of four weeks from today.

6. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

7. Criminal writ petition is disposed of.

[V.K.TAHILRAMANI,J.]

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